

**Remarks/Arguments:**

Claims 24-48 are currently pending in the application.

In the Office Action dated April 20, 2006, the drawings, specification and claims were objected to based on informalities. Claims 24-48 were rejected under 35 U.S.C. § 112 based on matters related to form. Claim 37 was also rejected under 35 U.S.C. § 101 based on the manner in which it was originally drafted. Lastly, claim 24 was rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,773,224 ("Sakamoto et al."). The Examiner indicated that claims 25-48 would be allowable if rewritten in independent form to overcome the rejections under 35 U.S.C. § 112.

The Office Action and the references made of record therein have been carefully considered. In view of the foregoing amendments and the following remarks, Applicants respectfully traverse the objections and rejections set forth in the Office Action.

***Drawings***

Applicants are submitting a replacement drawing sheet (Sheet 9/13) containing a revision in Figure 20. Figure 20 has been revised to schematically illustrate one example of a master cylinder having a "weight" as recited in claim 36. The weight has been labeled with reference number "60". Support for the drawing revision is provided on page 20, lines 13-19 of the Substitute Specification, among other sections. No new matter has been added.

***Specification***

Applicants are submitting a replacement abstract with the suggested word length. The replacement abstract is based on the abstract as originally filed and contains no new matter.

Applicants have also submitted replacement paragraphs which replace the paragraph beginning on page 20, line 13 and the paragraph beginning on page 20, line 16. These paragraphs were amended solely to provide reference to weight 60, which was added to Figure 20. No new matter has been added.

***Claim Objections***

Applicants have amended claims 24 and 37 to correct the perceived informalities in those claims. These amendments are related to form, not patentability, and therefore are not intended to surrender any subject matter.

***Claim Rejections - 35 U.S.C. § 112 and § 101***

The Office Action is correct that claim 24 does not use language that invokes 35 U.S.C. § 112, paragraph 6. Applicants respectfully submit that claim 24 does not invoke, and was never intended to invoke, means plus function language under 35 U.S.C. § 112, paragraph 6.

Applicants are aware of the required format for this type of claim, and believe that their decision not to use that format precludes any assumption that 35 U.S.C. § 112, paragraph 6 is being invoked. Accordingly, Applicants respectfully request withdrawal of this basis for rejection.

Claim 37 has been amended to positively recite steps involved in the claimed method. This amendment should resolve any perceived deficiencies that form the basis for rejections under 35 U.S.C. § 112 and 35 U.S.C. § 101. Support for this amendment is provided in original claim 37, and in sections of the Substitute Specification, including but not limited to page 19, lines 21-28. No new matter has been added. The amendment to claim 37 is related to form, not patentability, and therefore is not intended to surrender any subject matter.

Claims 43, 45 and 46 have been rewritten in independent form, without reference to subject matter from claim 25. Therefore, any perceived conflicts between subject matter recited in claims 43, 45 and 46 as filed and the subject matter of claim 25 are believed to be removed. The amendments to claims 43, 45 and 46 are related to form, not patentability, and therefore are not intended to surrender any subject matter.

***Claim Rejections - 35 U.S.C. § 102***

Before addressing the claim rejection under 35 U.S.C. § 102, Applicants believe it would be helpful to review one aspect of the claimed master cylinder. The prior art master cylinders have valve arrangements that close in response to even the slightest reverse-pressure differential between the pressure fluid reservoir and the master cylinder, such as flow in the reverse direction (i.e. flow from the master cylinder to the fluid reservoir). Unlike these prior art master cylinders, Applicants' master cylinder includes a valve arrangement that maintains the closing element of the valve in an open position during vacuum filling even though a reverse pressure differential arises during evacuation. This allows air to escape from the brake system in an unhindered manner through the reservoir. Such a feature is described fully on page 16 of Applicants' Substitute Specification, among other sections.

In view of the foregoing, Applicants respectfully disagree with the contention that Sakamoto, et al. discloses a master cylinder as recited in claim 24. Claim 24 recites "means . . . which maintain the closing element in the opening position when it is acted upon by a closing pressure difference due to an evacuation for the purpose of vacuum filling of the brake system, and allow the closing element to move in the closing position when the brake is actuated."

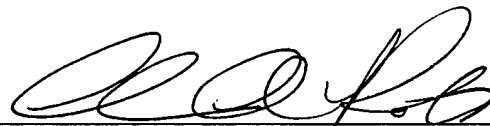
Sakamoto et al. discloses a master cylinder with a non-return valve construction 34 and a spring 39 that biases a valve element 38 in an opening position only in a static state with no substantial brake fluid flow is taking place through fluid passage 33. (Col. 8, line 66 - Col. 9,

line 3). When even a small flow of brake fluid occurs in the reverse direction, creating a small pressure differential, the valve element 38 is raised against the bias of spring 39 to close the valve port 37. (Col. 9, lines 13-23). Therefore, Sakamoto et al. does not teach means which maintain the closing element in the opening position when it is acted upon by a closing pressure difference due to an evacuation for the purpose of vacuum filling. Vacuum filling of a brake system involves very large pressure differentials, and the pressure sensitive arrangement in Sakamoto et al. is configured to close in response to such differentials. Accordingly, claim 24 is not anticipated by Sakamoto et al. Applicants respectfully request reconsideration of this basis for rejection.

**Conclusion**

Based on the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance, such action being respectfully requested at this time. If the Examiner believes there are any outstanding issues that require resolution prior to allowance, the Examiner is encouraged to contact the undersigned at 610-407-0700.

Respectfully submitted,



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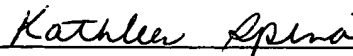
Attachments: Figure 20 (1 sheet); and  
Abstract

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The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: July 11, 2006



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